

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,348

)

Appeal of)

)

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for medicaid. The issue is whether the Department correctly applied the citizenship criteria in the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and her husband are citizens of China who have come to the United States on temporary visas to attend college. The petitioner recently became pregnant and applied for medicaid. Her application was denied because she did not meet the citizenship requirements of the regulations.

ORDER

The Department's decision is affirmed, with the understanding that if the petitioner suffers a "medical emergency" she can reapply for benefits and be found eligible.

REASONS

In order to be eligible for medicaid an individual must meet the conditions of "citizenship" contained in Section M311 of the medicaid regulations (reproduced below). Given the petitioner's current citizenship status, she can only meet this regulation if she has need for "emergency services". She should promptly reapply for medicaid if she is faced with such an emergency. (If she is found eligible, coverage can be retroactive for up to three months. See § M113.) However, inasmuch as there is no indication that she is presently facing such an emergency, the Department's decision at this time must be affirmed. Fair Hearing Rule No. 19 and 3 V.S.A. § 3091(d).

###